

Application No. 10/040,224  
Amendment dated May 24, 2004  
Reply to Office Action of February 23, 2004



Attorney's Docket No.: 42390P11353

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Ebrahim Andideh

U.S. Serial No: 10/040,224

Filed: January 2, 2002

For: METHOD TO AVOID VIA POISONING  
IN DUAL DAMASCENE PROCESS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Conf. No.: 2917

Examiner: Lee, Hsien Ming

Art Unit: 2823

**RESPONSE**

Dear Sir:

This is in response to the Office Action mailed February 23, 2004. Applicant respectfully requests the Examiner to consider the following remarks.

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2004

Date of Deposit

Claire Wallters

Name of Person Mailing Correspondence

*Claire Wallters*  
Signature

*5/24/2004*  
Date



2823  
JFW

**AMENDMENT TRANSMITTAL**

**PATENT**

Application No.: 10/040,224  
Filing Date: January 2, 2002  
First Named Inventor: Ebrahim Andideh  
Examiner's Name: Lee, Hsien Ming  
Art Unit: 2823  
Attorney Docket No.: 42390P11353

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_
- ☐ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Heather M. Molleur, Reg. No. 50,432

SIGNATURE: H. Molleur DATE: 5/24/04

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Los Angeles, California 90025

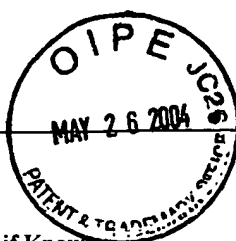
TELEPHONE NO.: (408) 720-8300

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

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Claire Wallters Date of Deposit  
Claire Wallters Name of Person Mailing Correspondence  
Signature Date 5/24/2004

Express Mail Label No. (if applicable): \_\_\_\_\_

**FEE TRANSMITTAL FOR FY 2004**

(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known:

Application No. 10/040,224  
Filing Date January 2, 2002  
First Named Inventor Ebrahim Andideh  
Examiner Name Lee, Hsien Ming  
Art Unit 2823  
Attorney Docket No. 42390P11353

☐ Applicant claims small entity status. See 37 CFR 1.27.**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☒ None  
☐ Deposit Account  
    Deposit Account Number : 02-2666  
    Deposit Account Name: \_\_\_\_\_  
☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:  
    ☒ Charge fee(s) indicated below.  
    ☒ Credit any overpayments.  
    ☒ Charge any additional fees during the pendency of this application.  
    ☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.  
    ☐ Charge fee(s) indicated below except for the filing fee.

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description                    | Fee Paid |
|--------------|----------|--------------|----------|------------------------------------|----------|
| Code         | Fee (\$) | Code         | Fee (\$) |                                    |          |
| 1001         | 7702001  | 385          |          | Utility application filing fee     | _____    |
| 1002         | 3402002  | 170          |          | Design application filing fee      | _____    |
| 1003         | 5302003  | 265          |          | Plant filing fee                   | _____    |
| 1004         | 7702004  | 385          |          | Reissue filing fee                 | _____    |
| 1005         | 1602005  | 80           |          | Provisional application filing fee | _____    |

SUBTOTAL (1) \$ 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |           | Extra Claims      | Fee from below | Fee Paid |
|--------------------|-----------|-------------------|----------------|----------|
| Total Claims       | <u>18</u> | - 30** = <u>0</u> | X _____        | = _____  |
| Independent Claims | <u>2</u>  | - 3** = <u>0</u>  | X _____        | = _____  |
| Multiple Dependent |           |                   | _____          | = _____  |

\*\*Or number previously paid, if greater; For Reissues, see below.

| Large Entity |          | Small Entity |          | Fee Description   |
|--------------|----------|--------------|----------|---|
| Code         | Fee (\$) | Code         | Fee (\$) |   |
| 1202         | 182202   | 9            |          | Claims in excess of 20                                    |
| 1201         | 862201   | 43           |          | Independent claims in excess of 3                         |
| 1203         | 2902203  | 145          |          | Multiple dependent claim, if not paid                     |
| 1204         | 862204   | 43           |          | **Reissue independent claims over original patent         |
| 1205         | 182205   | 9            |          | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) \$ 0

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| <u>Large Entity</u> |                 | <u>Small Entity</u> |                 | <u>Fee Description</u>   | <u>Fee Paid</u> |
|---------------------|-----------------|---------------------|-----------------|--|-----------------|
| <u>Fee Code</u>     | <u>Fee (\$)</u> | <u>Fee Code</u>     | <u>Fee (\$)</u> |  |                 |
| 1051                | 130             | 2051                | 65              | Surcharge - late filing fee or oath  | _____           |
| 1052                | 50              | 2052                | 25              | Surcharge - late provisional filing fee or cover sheet                     | _____           |
| 1053                | 130             | 1053                | 130             | Non-English specification  | _____           |
| 1812                | 2,520           | 1812                | 2,520           | For filing a request for ex parte reexamination                            | _____           |
| 1813                | 8,800           | 1813                | 8,800           | Request for inter parties reexamination                                    | _____           |
| 1804                | 920*            | 1804                | 920*            | Requesting publication of SIR prior to Examiner action                     | _____           |
| 1805                | 1,840*          | 1805                | 1,840*          | Requesting publication of SIR after Examiner action                        | _____           |
| 1251                | 110             | 2251                | 55              | Extension for reply within first month                                     | _____           |
| 1252                | 420             | 2252                | 210             | Extension for reply within second month                                    | _____           |
| 1253                | 950             | 2253                | 475             | Extension for reply within third month                                     | _____           |
| 1254                | 1,480           | 2254                | 740             | Extension for reply within fourth month                                    | _____           |
| 1255                | 2,010           | 2255                | 1,005           | Extension for reply within fifth month                                     | _____           |
| 1401                | 330             | 2401                | 165             | Notice of Appeal   | _____           |
| 1402                | 330             | 2402                | 165             | Filing a brief in support of an appeal                                     | _____           |
| 1403                | 290             | 2403                | 145             | Request for oral hearing   | _____           |
| 1451                | 1,510           | 1451                | 1,510           | Petition to institute a public use proceeding                              | _____           |
| 1452                | 110             | 2452                | 55              | Petition to revive - unavoidable   | _____           |
| 1453                | 1,330           | 2453                | 665             | Petition to revive - unintentional   | _____           |
| 1501                | 1,330           | 2501                | 665             | Utility issue fee (or reissue)   | _____           |
| 1502                | 480             | 2502                | 240             | Design issue fee   | _____           |
| 1503                | 640             | 2503                | 320             | Plant issue fee  | _____           |
| 1460                | 130             | 1460                | 130             | Petitions to the Commissioner  | _____           |
| 1807                | 50              | 1807                | 50              | Processing fee under 37 CFR 1.17(q)  | _____           |
| 1806                | 180             | 1806                | 180             | Submission of Information Disclosure Stmt                                  | _____           |
| 8021                | 40              | 8021                | 40              | Recording each patent assignment per property (times number of properties) | _____           |
| 1809                | 770             | 2809                | 385             | For filing a submission after final rejection (see 37 CFR 1.129(a))        | _____           |
| 1814                | 110             | 2814                | 55              | Statutory Disclaimer   | _____           |
| 1810                | 770             | 2810                | 385             | For each additional invention to be examined (see 37 CFR 1.129(b))         | _____           |
| 1801                | 770             | 2801                | 385             | Request for Continued Examination (RCE)                                    | _____           |
| 1802                | 900             | 1802                | 900             | Request for expedited examination of a design application                  | _____           |
| 1504                | 300             | 1504                | 300             | Publication fee for early, voluntary, or normal pub.                       | _____           |
| 1505                | 300             | 1505                | 300             | Publication fee for republication  | _____           |
| 1803                | 130             | 1803                | 130             | Request for voluntary publication or republication                         | _____           |
| 1808                | 130             | 1808                | 130             | Processing fee under 37 CFR 1.17(i) (except provisionals)                  | _____           |
| 1454                | 1,330           | 1454                | 1,330           | Acceptance of unintentionally delayed claim for priority                   | _____           |

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (3) \$ 0**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Heather M. MolleurSignature: *H. Molleur* Date: 5/24/04Reg. Number: 50,432 Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450